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09/662,217	09/14/2000	Hideo Ando	04329.2384	9456

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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2616

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/662,217

Applicant(s)

ANDO ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 3/1/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Response to Arguments**

1. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.
  2. Applicant's arguments filed 3/1/05 against amended claims 3-6 and 18 under 103, have been fully considered but they are not persuasive.
- {A} In re page 16, applicant states, with respect to claims 3-6 and 18, the examiner has not provided a motivation for combining Yagi and Ueda.

The examiner notes, "claims 3-5 depend from claim 1", wherein claim 1 is amended, also independent claims 6 and 18 are also amended, but, argued for an existing limitation under 103.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, encrypting information, protect information from unauthorized use, having a header not encrypted, allows for reading, but, obviously could be encrypted, thereby needing decrypting prior to use, wherein encrypted data is protected, the header not encrypted, does not means that the data will not be protected, therefore, as those skilled in the art understand, encrypting a header in addition to content provides a higher level of protection, is synonymously related to, "encrypting an encryption key", for more protection, considered obvious to do, but, also not to do, based on the level of protection sought, but, having a header not encrypted, wherein the data is, also

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provides a level of protection, either is merely a design choice based on how much or what level of protection is desired or even required.

As states in the previous action, preventing unauthorized use, why is this not motivation for encrypting content??

What other reasons are there for encrypting data, besides prevention or protection from unauthorized use???

Further applicant doesn't argue that the features are not taught by merely states that,

"the Examiner has not provided a motivation for combining", the examiner has provided motivation for combining and also some additional reasoning as provided above, to better establish a prima facie case of obviousness in view of applicant's statements, the examiner believes should be established.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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2. Claims 1-2, 7-11, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi et al. (US 6,404,980) in view of Okada et al. (US 6,181,870).

The examiner incorporates by reference the previous detailed action against the claims 1-2, 7-11 and 19, as previously applied.

The examiner will address the newly recited claim language with respect to the previously existing limitations.

Yagi discloses all as claimed except for the newly recited limitation to claims 1, 7, 9, 11, 19:

O wherein the management information is configured to include one or more regions of user defined program chains for storing program chain information defined by a user, the program chains indicating a sequence of information items including the audio.

The examiner cites Okada, which teaches a media (Fig. 2 A, DVD RAM) configured to store user defined chains (Fig. 70 A, "USER DEFINED PGC TABLE"), indicating a sequence of information items (one example as shown in Fig. 89 A, USER DEFINED PGC #1, Cells 1 A, 7 A, 11 A and 3 A, as desired by a user) in the management area having one or more regions (Fig. 70 A, "RTRW Management File, with Original as well as USER DEFINED, see user defined 1-5 and Original 1-5), as taught by Okada, these user defined chains are considered to a form of virtual editing, comprising pointers, not a real edit but, a chain dictating a sequence to reproduce, without a real edit, allowing user to create a sequence of desired cells, wherein the system and media is configured to allow a user to indicate sequences of information items being cells, wherein the cells including at least audio information, wherein the data structure is configured to include management directories of the audio information and video information (Fig. 6 D 7 6 E, Fig. 12 A, "Management File TIME MAP TABLE to audio and video, also seamless Flag information for audio and video", Fig. 23 C & D and Fig. 39 A, Fig. 42, wherein the cells have audio and video data and at least one VOB, Fig. 71, Fig. 6 A of VOBs of the VOB), as taught by Okada.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to Yagi by providing management data areas configured to include one or more regions of user

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defined program chains for storing program chain information defined by a user, the program chains indicating a sequence of information items including the audio, as taught by Okada.

3. Claims 3-6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi et al. (US 6,404,980) and Okada et al. (US 6,181,870), as applied above and in view of Ueda et al. (US 6,289,102).

Regarding claims 3-5, the combination with Yagi fails to disclose,

- storing Identification information, specific to the medium, claim 3;
- the medium comprises encrypted information and an area for storing information required for decrypting the encrypted information, claim 4;
- an area in which described is a process of performing mutual authentication between the medium and apparatus, claim 5.

Ueda teaches providing an encrypted key (Fig. 22, "Encrypted Disk key", which gets decrypted at 1302, using a master key, used to decrypt other information, to in the end produce an audio video stream to a decoding circuit), which reads on claim 4,

O further, teaches performing authentication between the apparatus and disk (col. 24, lines 47-, "First, at the time of mutual authentication processing at the time of reset and media replacement"), claims 3 and 5.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by incorporating ID for the medium, claim 3, encrypted information and an area for storing information required for decrypting the encrypted information and an area in which described is a process of performing mutual authentication between the medium and apparatus, claims 4-5, as taught by Ueda, to control reproduction based on authentication w/disk ID and also having

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protected scrambled data, preventing unauthorized use, as taught by Ueda.

Claim 6 is analyzed and discussed with respect to the claims above, based on the combination as applied fails to address, wherein the audio has a header according to a predetermined method (Fig. 9, in the packet header for audio defines the "coding mode", with 7 bits),

and further fails to disclose, the limitations of:

- a predetermined header is stored in an area not encrypted; and
- wherein the compressed audio is stored in an encrypted area in a unit.

Ueda further teaches, providing various areas with headers with a flag (having two values 1 or 0), indicating scrambled data or not headers and data and sectors, the header which indicates either encrypted data or not, when the value = 1, the data which can be audio is encrypted (see NON-scrambled sector, comprising scramble flag field = 0, therefore, based on the flags, the header can be in the form of not being encrypted, wherein the data being audio based on the flag can be encrypted or a scrambled sector of audio, associated with a scramble flag field = 1, defining the data is scrambled), (Fig. 11, c, d, e, f), as taught by Ueda.

Therefore it would have been obvious to those skilled in the art, to provide a non-encrypted header to identify to the apparatus upon requested reproduction for example to determine encryption or not processing of stored material with the header flag that is not non-encrypted, or a header code which indicates encrypted or not and to process accordingly, as is obvious in view of Ueda as taught by Ueda, wherein a non-encrypted header informs the system of encryption or not associated with the audio data, as taught by Ueda.

Claim 18 is analyzed and discussed with respect to the claims above.

***Allowable Subject Matter***

3. Claim 13 is allowed.

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**Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Contact Fax Information**


Any response to this action should be faxed to:

(703) 872-9306, (for communication intended for entry)

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
6/26/05

  
VINCENT BOCCIO  
PRIMARY EXAMINER